

COUNCIL FOR HEARING INSTRUMENT SPECIALISTS

MINUTES

Date: March 31, 2005

Time: 9:00a.m.

**Location: Cumberland Room, Ground Floor
Cordell Hull Building
425 5th Ave. North
Nashville, TN 37247-1010**

Members Present

**Dr. David Levy, AuD, Chairman
Mr. Thomas A. Stewart, Secretary
Dr. Robert E. Bowers, Council Member
Mr. Jackie L. Miller, Council Member**

Staff Present

**Ms. Bonnie Ferrell, Administrator
Ms. Marva Swann, Unit Director
Ms. Robbie Bell, Director
Ms. Nicole Armstrong, Advisory Attorney
Mr. Jerry Kosten, Rules Coordinator
Ms. Lea Phelps, Disciplinary Coordinator
Ms. Denise Moran, Investigative Director**

The Council Chair, Dr. David Levy determined that a sufficient number of Council members were in attendance to constitute a quorum and called the meeting to order at 9:15 am.

Conflict of Interest

Ms. Nicole Armstrong reviewed the Conflict of Interest Policy with the Council members.

Contested Case

Ms. Armstrong informed the Council that the contested case of Mr. Graig Haltom has been continued.

Dr. David Levy suggested that if necessary the Council could be called in to hear contested cases without waiting until the next scheduled meeting. Ms Armstrong stated that call meetings are only done in emergency situations due to the fact that it would be almost impossible to reserve a room, a judge, a court reporter, and our litigating attorney on short notice. There are thirty two (32) boards that use these services and they are all booked a year in advance. The Council has their meetings scheduled for two (2) days, one day for Council business and the other for contested cases.

Ms. Bonnie Ferrell suggested that the Council business be conducted on the first day and contested cases on the second day. If there were no contested cases the second day could be cancelled and Council members could return home.

Mr. Thomas Stewart requested that Ms. Ferrell change the scheduled August 4th and 5th Council meeting if possible to July 28th and 29th. Ms. Ferrell said she would look into it, but didn't think it would be possible due to having three (3) contested cases already scheduled for August 5th.

O.G.C. Report

Ms. Armstrong reviewed the O.G.C. Report with the Council. She informed the Council of the following:

- A. Tenn. Comp. R & Reg. 1370-2-.12, 12, .15 regarding pre-approval of continuing education programs, assessment of costs became effective December 26, 2004.
- B. Tenn. Comp. R. & Regs. 1370-2-.15 regarding Orders of Compliance and Modification and personal appearances before the Council.
- C. Under review by the Attorney General;
Tenn. Comp. R. & Regs. 1370-2-.12 regarding continuing education.
- D. Under review by Board of Communications Disorders and Sciences:
Tenn. Comp. R. & Regs 1370-2-.04, .05, .08 regarding preliminary qualifications for licensure, procedures for licensure, and examination.

Rules

Mr. Jerry Kosten reviewed the Rule amendments regarding " Mandatory Criminal Background Checks " on all new applicants. After much discussion Mr. Jackie Miller made a motion to adopt the amendment as written, Dr. Robert Bowers seconded the motion and the motion carried.

Mr. Kosten explained to the Council that the Board of Communications Disorders and Sciences would not approve the amendments to their rules regarding the Council drafting their own written examination. This amendment would give the Council authority to choose which exam they wanted to administer, the I.L.E. or the exam they drafted. They would only approve said amendment if the applicant had the choice of which exam he/she wanted to take, the I.L.E. or the Council's exam.

Dr. Levy stated that when the Council agreed to the Board having the final approval over the Council, the Board misled them by stating they would not interfere with the Council's choice of examinations.

Ms. Robbie Bell told Dr. Levy to be very careful of calling the Board liars in a public forum.

The Council did not continue the discussion or vote to change the amendment.

Minutes

Mr. Jackie Miller made a motion to accept the minutes of the October 28, 2004 Council meeting as written. Mr. Bowers seconded the motion and the motion carried.

Investigative Report

Ms. Denise Moran presented the investigative report to the Council. She stated that one (1) complaint had been closed and there were four (4) open complaints. She stated that the bench mark for cases was one hundred and twenty (120) days. The old audit picked up older cases, two (2) to three (3) years old, but the new audit picked up fresher cases.

Ms. Moran then informed the Council that there were no disciplinary actions at this time.

Examinations

The Council recessed to administer examinations at 10:05am.

The Council reconvened at 2:15pm.

Administrative/Directors Report

Ms. Ferrell stated that the Fall News Letter was mailed out March 9, 2005 to all active Speech Pathologists, Audiologists, and Hearing Instrument Specialists.

Ms. Ferrell informed the Council that the rate for travel reimbursement had increased from \$0.35 to \$0.38 per mile.

Ms. Ferrell issued the Council members new I.D. cards and sent them to have new pictures taken.

Financial Report

Ms. Bonnie Ferrell presented the financial report to the Council stating that they were reducing their deficit and were in the black this quarter.

Correspondence

Mr. Stewart presented a letter he received from Ms. Julie Carter regarding reinstatement of her failed to renew license. After some discussion Ms. Armstrong stated she would draft a letter to Ms. Carter.

Mr. Stewart also presented some advertisements regarding the sale of Hearing Aids by mail. Ms. Armstrong is going to draft a letter to AAA and others that are advertising to sell hearing aids by mail.

Dr. David Levy presented a copy of Senate Resolution No. 15 regarding the following:

To honor and commend Thomas Stewart, Thomas (Andy) Stewart, Kenneth Kelly, and Gary Kelly for their service to the hearing-impaired community of Montgomery and surrounding counties in Tennessee. It is fitting that the members of the General Assembly should salute those citizens who, through their extraordinary efforts, have distinguished themselves as community and professional leaders of whom we can be proud; and four such noteworthy people who have contributed years of meritorious service to the hearing-impaired population.

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Whereas, the General Assembly finds it appropriate to pause in its deliberations to acknowledge and applaud these fine men for their service to the betterment of the hearing-impaired. We hereby honor and commend these four men upon their combined 91 years of menitorious service to the hearing-impaired population, salute their distinguished and productive tenure as outstanding service providers, and extend to them our best wishes for every continued success in their future endeavors.

Ratification

Mr. Stewart made a motion to approve licensure to the following applicants:

Walter S. Burbank - Apprentice
Gary Sherman Dixon - Apprentice
Sammi J. Falconbury - Apprentice
Christopher J. Healy - Apprentice
Bruce E. Campbell - Full Licensure
Parrish S. Harrell - Full Licensure
Traci A. Knolton - Full Licensure
Thomas W. Vaughn - Apprentice pending passage of the written exam

Dr. Bowers seconded the motion and the motion carried.

Mr. Miller made a motion to deny licensure to the following applicants due to failure of examinations:

Lee T. Elder - Full Licensure
Michael J. Simpson - Apprentice

Dr. Bowers seconded the motion and the motion carried.

Mr. Miller asked the Council if an applicant passed the Audiometric Technique exam but the audiometer was not calibrated, did you pass or fail the applicant. Dr. Levy said we had to pass the applicant since he was not told that the audiometer had to be calibrated. After much discussion the Council requested Ms. Ferrell to sunshine voting on a policy statement requesting all applicants to provide a current calibration certificate for the audiometer they bring.

Mr. Stewart requested Ms. Ferrell to sunshine "Voting on new practical examinations to be administered at the next Council meeting".

Ms. Ferrell stated she would Sunshine both requests for the August 4, and 5, 2005 Council meeting.

Adjournment

There being no further business Mr. Stewart made the motion to adjourn the meeting. The motion was seconded by Dr. Bower and carried. The meeting adjourned at 3:30pm.

Dr. David Levy, Council Chair

Date